

Mine Foreman Training

Mining Law – Unit 2

Part 2

Power Point Program and Training

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Office of Mine Safety & Licensing

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**In 2006, changes
were made in the
existing mining laws
and additional laws
were promulgated.**



**Changes in the
existing laws and the
new regulations
added will be
reviewed in this unit.**



Kentucky Revised Statutes (KRS) Chapter 351



KRS 351:070 gives the commissioner the right to levy fines against licensees (operators) for violations of roof control and ventilation plans that could lead to imminent danger or serious injury. Fines cannot exceed \$5000.00.



**All underground coal mines
must now be inspected at least
three (3) times annually. {KRS
351.090 (1)}**



**Abuse of illicit substances
and alcohol represents a
serious threat to the health
and safety of all miners.**

**Substance and alcohol abuse
adversely affect the health
and safety of miners.**

{KRS 351.090 (9)}



Mine safety can be significantly improved by establishing as a condition of certification that miners remain drug and alcohol free. {KRS 351.090 (9)}



The Office of Mine Safety and Licensing requires all applicants for certified miner and initial applicants for other mining certifications to submit proof that he or she is drug and alcohol free. {KRS 351.102 (2)}



The training program for underground and surface miners shall include one (1) hour of training dedicated to alcohol and substance abuse education. {KRS 351.102 (3)}



**Thirty (30) minutes of the 16 hours of annual retraining required for certified miners shall be dedicated to alcohol and substance abuse training.
{KRS 351.106 (1)}**



One (1) hour of initial substance abuse training and education shall be required as part of the certified miner's first annual retraining conducted in a classroom that occurs after August 1, 2006. This requirement shall not apply to certified persons who received the one (1) hour initial substance abuse training and education as part of their forty (40) hour or twenty-four (24) hour new miner training.
{KRS 351.106 (2)}



In addition to the thirty (30) minutes of annual alcohol and substance abuse education required for certified miners, supervisory personnel shall be required to receive an additional thirty (30) minutes of alcohol and substance abuse awareness training annually.

{KRS 351.106 (3)}



Any trainee miner who exceeds six (6) months in obtaining the forty-five (45) working days of experience required for underground and surface miner certification, must submit proof of alcohol and drug free status.



The proof must be in accordance with the provisions of KRS 351.182 and KRS 351.183, which will be covered later in this program. {KRS 351.102 (6)}



If the commissioner or his authorized representative finds that an applicant is not qualified and competent, he shall notify the applicant *as soon as possible, but in no case* more than *thirty (30)* days after the date of examination.
{KRS 351.102 (9)}



In addition to meeting the experience requirements for mine foreman, mine inspector, mine safety analyst, mine safety instructor, and electrical instructor, you must submit proof that you are drug and alcohol free before taking the examination.

{KRS 351.110 (1)}



The commissioner immediately shall suspend any certification for violation of drug and alcohol free status or for failure or refusal to submit to a drug and alcohol test.



However, no certification shall be suspended until the certified person has been granted adequate opportunity for a hearing before the Mine Safety Review Commission (MSRC).



**A hearing with the MSRC can
be requested by the person
whose certification has been
suspended or by the OMSL.
{KRS 351.120 (12)}**



**A miner whose certification has been suspended or revoked for violating the drug- and alcohol-free condition of certification may reapply for certification with the Mining Board, provided that he or she has successfully passed a drug and alcohol test meeting the necessary requirements within thirty (30) days prior to reapplication and has fulfilled the terms of final orders entered by the MSRC.
{KRS 351.120 (13)}**



All persons seeking certification as a Mine Emergency Technician (MET) must be tested for drug and alcohol prior to taking the examination. No certification will be issued unless the applicant is drug and alcohol free. (KRS 351.127)



Training on alcohol and substance abuse must be provided for surface miners in the initial and retraining classes. One hour of training on alcohol and substance abuse is required in the initial 24 hour class and 30 minutes is required in the annual retraining classes. (KRS 351.1291)



In addition to the thirty (30) minutes of annual alcohol and substance abuse education required for certified miners, supervisory personnel shall be required to undergo an additional thirty (30) minutes of alcohol and substance abuse awareness training annually. (KRS 351.1291)



Each inspector must inspect each underground coal mine in his district at least three (3) times a year and all other mines must be inspected once every six (6) months. (KRS 351.140)



**Violations of substance
abuse must be reported by
mine licensees to the
executive director of OMSL.**



The operator or superintendent of each licensed facility shall report by the close of the next business day, any certified persons who: Have been discharged for violation of a company's substance or alcohol abuse policies;



**Licensees must also report those who refused to submit to a test required by the company's substance or alcohol abuse policies or tests required by the OMSL, or who has tested positive and failed to complete an employee assistance program.
(KRS 351.170)**



**If a newly certified miner gains employment in the coal industry, the initial employer shall reimburse the certified miner for the cost of one drug and alcohol test required by the miner's initial certification.
(KRS 351.182)**



Coal miners who are currently employed may desire certification from the OMSL in some other category of mining other than their current certification. The employer must reimburse the employee for the cost for one (1) alcohol and drug test required by the certification desired by the employee. (KRS 351.182)



**A breath alcohol test must be administered to all applicants for certification exams by the Office of Mine Safety & Licensing (OMSL). A concentration of four hundredths (.04) of a percent shall be the maximum acceptable level of concentration for participation in the examination and subsequent certification.
(KRS 351.182)**



Any applicant who is denied certification due to the results of the drug and alcohol testing required by the OMSL may be retested again, at his or her expense, within ten (10) days of notification of the results of the initial test. (KRS 351.184)



If an applicant fails a drug and alcohol retest and the applicant is denied certification, the applicant may reapply for certification only after an evaluation by a medical professional trained in substance abuse treatment and the successful completion of prescribed treatment and an acceptable result from a drug and alcohol test. (KRS 351.184)



Any applicant who is denied certification due to the results of the drug and alcohol testing required by the OMSL, may file an appeal of the denial with the Mine Safety Review Commission within thirty (30) days of the notification of the results of the test. (KRS 351.184)



Any employer who is also a licensee that has implemented a drug-free workplace program certified by the Office of Mine Safety and Licensing shall be eligible to obtain a credit on the licensee's premium for workers' compensation insurance. (KRS 351.186)



Oral Review

KRS Chapter 351



**Does Kentucky mine law now
give the commissioner the right
to levy fines against licensees
(operators) for violations of
roof control and ventilation
plans that could lead to
imminent danger or serious
injury?**



Answer: Yes



What is the maximum amount of fines that can be levied by the commissioner against licensees (operators) for violations of roof control and ventilation plans that could lead to imminent danger or serious injury?



Answer: \$5,000.00



**How many times does state law
now require underground
mines to be inspected?**



**At least three (3) times per
year.**



True or False

Substance and alcohol abuse adversely affect the health and safety of miners.



True



**Can mine safety be improved
by establishing as a condition
of certification that miners
remain drug and alcohol free?**



Answer: Yes



**What is required by the OMSL
before applicants are permitted
to take certification exams?**



**Each applicant must submit
proof that he/she is alcohol and
drug free.**



How much training in alcohol and substance abuse is required in initial training classes for surface and underground miners?



One (1) hour



How much training in alcohol and substance abuse is required in annual retraining for surface and underground miners?



**Thirty (30)
minutes**



Are supervisors required to receive additional training in alcohol and drug abuse?



Yes, in addition to the thirty (30) minutes of annual alcohol and substance abuse education required for certified miners, supervisory personnel shall be required to receive an additional thirty (30) minutes of alcohol and substance abuse awareness training annually.



Kentucky Revised Statutes (KRS) Chapter 352



No licensee, operator, mine superintendent, mine manager, or other supervisory personnel shall terminate or otherwise discipline a miner for reporting or documenting to or cooperating with regulatory agencies in their investigation of unsafe mining practices or conditions or violations of provisions of Kentucky mine law. (KRS 352.660)



**Return air courses shall
not be designated as
primary escapeways.
(KRS 352.020)**



The ventilation plan shall require all fans utilized in the ventilation plan to be in operation for a sufficient period to ensure air quality and equalization of the mine atmosphere prior to the entry of workers into underground areas. {KRS 352.020(8)}



All licensed premises shall maintain caches of self-contained self-rescuer devices which shall be stored in locations readily accessible to the primary and secondary escapeways. {KRS 352.133(2)}



The self-contained self-rescuers shall be in place by July 1, 2007, or shall be extended by the commissioner upon substantiated proof of unavailability. {KRS 352.133(2)}



**The caches shall be maintained
in sufficient numbers and
locations determined in
accordance with the most
recent rules, standards, and
regulations issued by the
United States Mine Safety and
Health Administration;
{KRS 352.133(2)(a)}**



**The caches shall be maintained in storage units capable of protecting the self-contained self rescuer from water, dust, and any other condition which will cause deterioration of the self-contained self-rescuer;
{KRS 351.133(2)(b)}**



The storage unit locations shall have reflective signs that read "SELF RESCUERS" conspicuously posted as to be visible from the primary and secondary escapeways. Intrinsically safe strobe light devices also shall be attached to the storage unit. The strobe light devices may operate continuously or shall be capable of activation in the event of a mine emergency; {KRS 351.133(2)(c)}



The mine operator shall provide for each person who is underground at least one (1) additional self-contained self-rescuer device which provides protection for a period of one (1) hour or longer, to cover all persons in the mine;

{KRS 352.133(2)(d)}



If a mantrip or mobile equipment is used to enter or exit the mine, additional self-contained self-rescuer devices, each of which provides protection for a period of one (1) hour or longer, shall be available for all persons who use the transportation from portal to portal. {KRS 352.133(2)(e)}



It shall be a Class D felony for any person to remove a self-rescuer from the cache for purposes other than use during an emergency, or for repair, maintenance, or replacement or as authorized by the licensee. {KRS 352.133(3)}



Lifeline Cords

In all designated escapeways, each operator must provide lifeline cords from the loading point to the surface. The lifeline cords must have reflective material attached at intervals that do not exceed 25 feet. {KRS 352.135}



Lifeline Cords

Devices must also be installed on lifeline cords which indicate the direction to the surface. These devices must be installed at intervals that do not exceed one hundred (100) feet. {KRS 352.135}



Lifeline Cords

The lifeline cords shall be of durable construction and sufficient to allow miners to see and use effectively and to guide themselves out of the mine in the event of an emergency. {KRS 352.135}



Lifeline Cords

If it is a shaft mine, lifeline cords with reflectors and devices shall extend from the loading point to the bottom of the designated escape shaft.

{KRS 352.135}



Accident reporting

**Serious injuries and loss of life must be reported to the OMSL within 15 minutes of knowledge of occurrence by the mine superintendent, mine manager, mine foreman or his designee.
(KRS 352.180)**



Accident reporting – cont.

Any fire, explosion, entrapment of an individual for more than 30 minutes, inundation of a mine by water or gases, or any other serious accident, must also be reported within 15 minutes of having actual knowledge of the occurrence.



Accident reporting – cont.

Failure to comply with these reporting requirements could result in revocation, suspension, or probation of the mine license and a fine of not less than \$10,000 or more than \$100,000.



Accident reporting – cont.

The following toll free number can be used to report accidents and emergencies to the OMSL on a 24 hour basis:

1-877-MINE-911 which is
1-877-646-3911.



Accident reporting – cont.

Whenever a serious accident or fatality occurs, the OMSL may require the testing of miners for intoxicants or controlled substances to determine if they were contributing factors to the accident. (KRS 352.180)



Accident reporting – cont.

Miners who may be required to be tested include those who witnessed the accident, worked in the immediate area of the accident, or those who may have reasonably contributed to the accident.



Accident reporting – cont.

This testing of miners for intoxicants and controlled substances will be paid for by the OMSL and the testing must be performed on samples obtained within eight (8) hours of the accident.

(KRS 352.180)



Mine licensees must report to the OMSL, the names of all persons discharged for violating the company's substance or alcohol abuse policies or those who tested positive and failed to complete an employee assistance program. (KRS 352.210)



This reporting or notification to the OMSL must be done by the close of the next business day following the employee's discharge. (KRS 352.210)



Examinations of conveyor belts shall be conducted by a certified foreman or a certified belt examiner. A certified belt examiner shall have a total of three (3) years of practical underground mining experience and successfully complete a certification examination administered by the Office of Mine Safety and Licensing. (KRS 352.340)



After September 1, 2006, all licensed underground mines must have telephone or two-way communications between all working sections (that are at least 100 feet from the portal) and the surface. (KRS 352.630)



The telephones or two-way communications must be installed as follows: they shall be located not more than five hundred (500) feet outby the last open crosscut and not more than eight hundred (800) feet from the farthest point of penetration of the working faces on the section; (KRS 352.630)



Primary telephone or two-way communications systems and lines shall be located in the intake air course or adjacent entry, but shall not be located in the beltway or return air courses unless approved by the executive director of the Office of Mine Safety and Licensing in seams with coal heights twenty-six (26) inches or less. (KRS 352.630)



The incoming communication signal on the telephone or other approved two-way communications system shall activate an audible alarm that is distinguishable from the surrounding noise level and a visual alarm that can be seen by a miner regularly employed on the working section. (KRS 352.630)



After September 1, 2006, each licensed underground facility shall have a telephone or equivalent two-way communications facility located on the surface within one thousand (1,000) feet of all main portals. (KRS 352.630)



The telephone or equivalent two-way communication system shall be installed in either a building or in a box-like structure designed to protect the communication equipment from damage by inclement weather. (KRS 352.630)



**At least one (1) of these
communications systems shall be
at a location where a responsible
person is available and authorized
to respond to an emergency
situation at all times when miners
are working underground.
(KRS 352.630)**



The incoming communication signal on the telephone or other approved two-way communications system shall activate an audible alarm, distinguishable from the surrounding noise level and a visual alarm that can be seen by the responsible person stationed near the communication system. (KRS 352.630)



An emergency action plan must be submitted with each application for a license to operate an underground mine. The emergency action plan shall be for use during emergencies at the licensed facility. (KRS 352.640)



The emergency action plan must include a mine emergency evacuation and fire-fighting program that instructs all miners and other personnel of the licensed facility in the proper evacuation procedures they must follow if a mine emergency occurs. (KRS 352.640)



The emergency action plan must include the name of the ambulance service or first responder with which the licensee has made arrangements to provide twenty-four (24) hour emergency medical assistance for any person injured at the licensed facility. (KRS 352.640)



The emergency action plan must also include a listing of the telephone numbers of the facility personnel, state and federal regulatory agencies, and state, federal, and local emergency response agencies to be contacted in the event of a mine emergency; (KRS 352.640)



Maps must be posted or readily accessible to all miners on each working section or locations where mechanized equipment is being installed or removed. These maps must show the designated escapeway routes from the working sections to the surface or to bottom of slopes or shafts used for exiting the mine. (KRS 352.650)



These maps must be kept up to date and any changes in routes of travel, locations of doors, or directions of airflow shall be shown on the maps by the end of the shift. Miners affected by the changes must be informed of the changes before entering the mine. Miners already underground must be immediately informed of any changes. (KRS 352.650)



**A map showing the main
escapeways shall also be posted
at the surface location of the
licensed facility where miners
congregate. (KRS 352.650)**



At least once every ninety (90) days each miner, including those miners with working stations located between the working sections and main escapeways, shall participate in a practice escapeway drill. (KRS 352.650)



In the drill, miners from each working section must travel the primary or alternate escape routes from their section to where the split of air ventilating their working section intersects a main air course. If this distance is less than two thousand (2000) feet, they must continue to travel along the main air course, toward the surface, until the total distance traveled from their section is equal to 2000 feet.



Those miners who have working stations located between the working sections and the main escapeways shall participate in the escapeway drill by traveling in the primary or alternate escapeway for a distance of two thousand (2,000) feet from their working station toward the nearest escape facility or drift opening. (KRS 352.650)



At least once every six (6) weeks and for each shift, at least two (2) miners on each coal producing working section who work on that section, accompanied by the section foreman, shall participate in a practice escapeway drill and shall travel the primary or alternate escapeway to the surface, or to the bottom of the shaft or slope, or to a mechanical escape facility.



At least once every six (6) weeks, at least two (2) miners on each maintenance shift and a foreman or assistant foreman, shall participate in a practice escapeway drill and shall travel the primary or alternate escapeway to the surface, or to the bottom of the shaft or slope, or to a mechanical escape facility.



Systematic rotation of maintenance personnel and working sections shall be used so that all miners participate in the drill and so that the escapeways from all sections are traveled.



Escapeway drills shall not be conducted in the same escapeways as the drill proceeding immediately thereafter.



**Before or during practice
escapeway drills, miners shall be
informed of the locations of fire
doors, check curtains, changes in
the routes of travel, caches of
self-rescuers, and plans for
diverting smoke from
escapeways.**



Oral Review

KRS Chapter 352



Can a miner be terminated or disciplined for reporting unsafe mining practices or violations of mining laws to coal mine regulating agencies, or cooperating with them in their investigation of unsafe practices or violations of mining law?



Answer: No



True or False

Return air courses can be designated as primary escapeways.



Answer: False



What must be provided and stored underground by the operator or licensee to assist the miner in escaping the mine in the event of a mine fire or explosion?



One additional self contained self rescuer device which provides protection for one (1) hour or longer, must be provided for each person underground. The self rescuer devices must be stored in a manner to protect them from deterioration.



If a self contained self rescuer device is removed from the storage units for any other purpose other than for use in an emergency escape, for repair, maintenance, or replacement, what are the consequences?



**Removal of the self rescuer(s)
would be treated as a Class D
felony.**



**Are self contained self rescuers
also required to be stored and
available for everyone riding on
mantrips?**



Answer: Yes



What must be provided in all designated escapeways?



**Answer: Lifeline
cords**



**What distance are the lifeline
cords to be suspended?**



From the loading point to the surface.



**What must be installed on
lifeline cords to assist miners in
their escape?**



**Reflective material and devices
for showing direction to the
surface.**



What distance intervals must the reflective material be installed?



The reflective material must be installed on not more than 25 foot intervals?



At what intervals must the devices that show direction to the surface be installed?



The devices for showing direction to the surface must be installed on not more than 1000 foot intervals.



Serious injuries and loss of life must be reported to the OMSL within how many minutes of knowledge of occurrence by the mine superintendent, mine manager, mine foreman or his designee?



Answer: 15 minutes



What other conditions must be reported within 15 minutes of knowledge of occurrence?



**Any fire, explosion,
entrapment of an individual
for more than 30 minutes,
inundation of a mine by water
or gases, or any other serious
accident.**



What is the fine for failing to report the type of accidents just discussed?



Answer: \$10,000 to \$100,000 and possible suspension, revocation, or probation of the mine license.



What is the phone number of the OMSL for reporting mine accidents 24 hours a day?



Answer: 1-800-646-3911



Can the OMSL require drug and alcohol testing whenever a serious accident or fatality occurs?



Answer: Yes



Who may be required to be tested for drugs and alcohol when a serious accident or fatality occurs?



Miners who witnessed the accident, worked in the immediate area of the accident, or those who may have reasonably contributed to the accident.



The names of all miners who are discharged for violating a company's substance or alcohol abuse policies or those who tested positive and failed to complete an employee assistance program must be reported to the OMSL. When must this reporting or notification be done?



By the close of the next business day following discharge of the employees.



What are the requirements to be certified as a belt examiner?



A certified belt examiner must have a total of three (3) years of practical underground mining experience and successfully complete a certification examination administered by the Office of Mine Safety and Licensing.



After September 1, 2006, all licensed underground mines must have telephone or two-way communications between all working sections that are at least how many feet from the portal and the surface?



Answer: 100 feet



True or False

The telephone or two-way communication system can be located in the belt or return air entry.



Answer: False, they can only be located in the return or belt entry if the entries are less than 26 inches high and approved by the Executive Director of OMSL.



What is the maximum distance that telephones can be located outby the last open crosscut?



Answer: 500 feet



What is the maximum distance that telephones can be located from the farthest point of penetration of the working faces?



Answer: 800 feet



When the telephone or other approved two-way communication system begins ringing on the section, does its sound have to be different from the surrounding noise level?



Yes, it must be an audible alarm that is distinguishable from the surrounding noise level.



In addition to the distinguishable sound of the phone ringing on the section, what else is required of the incoming signal?



The incoming signal must also set off a visual alarm that can be seen by a miner regularly employed on the working section.



What must be submitted with each mine license application to operate an underground mine that must be used in the event of an emergency at that mine?



An “Emergency Action Plan”



True or False

The emergency action plan must include a mine emergency evacuation and fire-fighting program that instructs all miners and other personnel of the licensed facility in the proper evacuation procedures they must follow if a mine emergency occurs.



Answer: True



What must be included in the “emergency action plan” to provide 24 hours emergency medical assistance for anyone injured at the licensed facility?



**The name of the
ambulance service or first
responder who will be
providing the 24 hour
emergency medical
assistance.**



Whose telephone numbers must be included on the “emergency action plan”?



The telephone numbers of the facility personnel at the mine site, state and federal regulatory agencies, and state, federal, and local emergency response agencies.



Does Kentucky mining law require maps to be readily accessible on each working section or other locations where mechanized equipment is being installed or removed?



Answer: Yes



What must be shown on the maps?



These maps must show the designated escapeway routes from the working sections to the surface or to bottom of slopes or shafts used for exiting the mine.



**What changes would require
that the maps be updated and all
miners informed of the changes?**



**Any changes in routes of travel,
location of doors, or direction of
airflow.**



**When must all miners affected
by the changes be informed?**



Before entering the mine and if changes occur while miners are underground, those miners must be informed immediately.



What kind of map must be posted on the surface where miners congregate?



**A map showing the main
escapeways must be posted at
the surface location where
miners congregate.**



**How often shall all miners,
including those miners with
working stations located between
the working sections and main
escapeways, participate in
practice escapeway drills?**



**At least once every
ninety (90) days.**



**When participating in the
escapeway drills, where
must the miners travel?**



Miners from each working section must travel the primary or alternate escape routes from their section to where the split of air ventilating their working section intersects a main air course.



If the distance traveled from the working section along the primary or alternate escape route to where the split of air ventilating their working section intersects the main air course is less than two thousand (2000) feet, what must they do?



They must continue to travel along the main air course, toward the surface, until the total distance traveled from their section is equal to 2000 feet.



How far must the miners travel who have working stations located between the working sections and the main escapeways?



They must travel in the primary or alternate escapeway for a distance of two thousand (2000) feet from their working station toward the nearest escape facility or drift opening.



How often and how many miners from each shift of a coal producing working section are required to participate in the escapeway drills?



At least once every six (6) weeks, and at least two (2) miners accompanied by the section foreman must participate in the escapeway drills.



How often and how many miners from each maintenance shift are required to participate in the escapeway drills?



At least once every six (6) weeks, and at least two (2) miners on each maintenance shift accompanied by a foreman or assistant foreman must participate in the escapeway drills.



What must be done in order to insure that all miners working on production sections and maintenance crews participate in the drills?



The maintenance and production personnel must be systematically rotated so that all miners participate in the drill and that escapeways from all sections are traveled.



What else must be done to insure that all escapeways are traveled?



Escapeway drills shall not be conducted in the same escapeways as the drill proceeding immediately thereafter.



When shall miners be informed of the locations of fire doors, check curtains, changes in the routes of travel, caches of self-rescuers, and plans for diverting smoke from escapeways?



**They must be informed
before or during the fire
drills.**



End of Part 2

Unit 2